

ANGELA SKEOCH

MAY 27 (legislative day, MAY 26), 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2506]

The Committee on Claims, to whom was referred the bill (S. 2506) for the relief of Angela Skeoch, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill was introduced at the request of the Secretary of War. It provides for the payment of \$2,500 to Angela Skeoch, of Frederiksted, St. Croix, V. I., in full settlement of her claim against the United States for personal injuries sustained when the automobile in which she was riding was struck by a United States Army truck on the Christiansted-Frederiksted Main Highway near Christiansted, St. Croix, V. I., on March 1, 1941.

The facts are fully set forth in the following letter from the Secretary of War, which is appended hereto and made a part of this report.

WAR DEPARTMENT,
Washington, May 2, 1942.

Hon. ROBERT R. REYNOLDS,
Chairman, Committee on Military Affairs, United States Senate.

DEAR SENATOR REYNOLDS: There is enclosed herewith draft of a bill which the War Department recommends be enacted into law.

The purpose of the proposed legislation is to pay to Angela Skeoch, of Frederiksted, St. Croix, V. I., the sum of \$2,500 in full settlement of her claim against the United States for personal injuries sustained when the automobile in which she was riding was struck by a United States Army truck on the Christiansted-Frederiksted main highway near Christiansted, St. Croix, V. I., on March 1, 1941.

On the night of March 1, 1941, a noncommissioned officer of the Army while driving an Army truck on military police duty in Christiansted, St. Croix, apprehended an enlisted man for drunkenness. The drunken soldier was placed in the rear of the truck with two other soldiers to guard him. While the truck was returning to camp, the drunken soldier broke away from his guards and seated himself on the front seat with the driver. The driver stopped and ordered the soldier to return to the rear of the truck. This he refused to do, and the driver, without enforcing his order, continued on his trip. While the truck was proceed-

ing in a westerly direction along the Christiansted-Frederiksted Main Highway about 1½ miles west of Christiansted, at a speed stated by the driver as about 20 miles per hour, the drunken soldier began to annoy the driver, and finally pushed the latter's right hand from the steering wheel. This action caused the truck to swerve to the wrong side of the road where it collided with a Chevrolet sedan owned and operated by Gordon M. Skeoch, of Frederiksted, St. Croix, who with his sister, Miss Angela Skeoch, was driving in the opposite direction at a speed of about 30 or 35 miles per hour.

Mr. Skeoch testified that, upon seeing the Government vehicle approaching him on the wrong side of the road, he had driven his car still farther to his proper side of the road and applied his brakes, and that his car was standing motionless when struck. An examination of the road revealed no evidence that the brakes of the Government vehicle had been applied.

As a result of the accident, the car of Mr. Skeoch was extensively damaged and Miss Skeoch sustained injuries with respect to which Dr. Meredith Hoskins, chief municipal physician, Christiansted, V. I., on March 3, 1941, made the following report:

Tentative findings were revealed upon examination of Miss Angela Skeoch when admitted to the hospital after the accident of March 1, 1941.

The examination revealed the following: Laceration, anterior, right ear, 1¼ inches long; laceration below chin, 2½ inches long; laceration below chin, ½ inch long; laceration below chin, ½ inch long; multiple contusions of face; laceration of upper lip; contusion of left knee.

Lacerations were sutured and dressed.

On April 8, 1941, Dr. Hoskins reported on the injuries of Miss Skeoch as follows:

Relative to the injuries sustained by Skeoch, Angela, on March 1, 1941, the above person sustained the following:

Laceration anterior to right ear 1½ inches long; laceration below chin 2½ inches long; laceration below chin ½ inch long; laceration below chin ½ inch long; laceration, upper lip; multiple contusions of face; contusion left knee; contusion chest, left anterior.

The wounds have all healed with usual scar formations.

On October 11, 1941, Dr. Hoskins submitted the following supplementary report:

The following information is submitted as a result of my recent examination on October 9, 1941, of Miss Angela Skeoch to determine the character and degree of scar formation as result of injuries which she received in accident of March 1, 1941. This individual suffered five distinct lacerations at the time of injury as well as multiple contusions of the face and left knee. The scars are considered permanent and are approximately of the same dimensions as the lacerations as disclosed on my tentative findings of March 1, 1941.

The laceration anterior to the ear healed with a thin relatively inconspicuous scar.

The large laceration below the chin was irregular in outline and the resulting scar is rather rough and thickened in those areas where the wound was most jagged.

The smaller lacerations below the chin healed with thin inconspicuous scars.

The laceration of the upper lip healed with little scar formation.

There is little discoloration present in any of the scars.

The contusions of the face healed without scar formation as did the contusion of the knee.

Dr. Hoskins further reported, in part, under date of February 19, 1942, that Miss Skeoch was 22 years of age at the time of the accident; that she was treated at the Christiansted Municipal Hospital on the night of the accident and then sent to her home, confined to bed at home for 1 week and confined to her home for 24 days; that a total of 18 sutures were used to close the various lacerations; that she was totally disabled for 7 days and partially disabled for 17 days; that the physician made a total of 8 visits, including original treatment in hospital, and that the total fee was \$25; that there was no hospital bill; that Miss Skeoch was unemployed at the time of accident; that a nurse was employed on part-time basis for 10 days, for which she was paid \$12; that there is no permanent injury; that there is permanent disfigurement and the location is as previously described; that the scar formation has decreased somewhat in size due to shrinking.

Claims were filed with the War Department by Gordon M. Skeoch in the amounts of \$400 for damage to his automobile and \$66 for rental of another car, and for \$5,000 on behalf of his sister, Miss Angela Skeoch, for the personal injuries suffered by the latter.

Upon review in the War Department, the claim for property damage and rental of car was approved in the amount of \$382.50 (\$316.50, estimated cost of repairs, plus \$66, rental of substitute car), for settlement under the provisions of the act of December 28, 1922 (42 Stat. 1066), it being the view of the Department that the proximate cause of the accident was the negligence of the Government driver in that he allowed the intoxicated soldier to remain in a position where he could interfere with the proper control of the vehicle.

The claim for personal injuries was necessarily disapproved, since there is no law or appropriation available to the Department for the settlement of claims of this nature.

It appears that Mr. Skeoch carried insurance for personal injury, and that claim for personal injury to Miss Skeoch was filed with the insurance company, but that this claim was denied on the ground that no liability attached to the named assured.

Since it appears that the injuries suffered by Miss Skeoch resulted from no fault or negligence on her part but rather from the negligence of the Government driver, it is the view of the War Department that there is a moral obligation on the part of the United States to indemnify her for such injuries. The War Department is of the opinion that \$2,500 would be a just and reasonable compensation for the injuries suffered.

A similar letter has been addressed to the Speaker, House of Representatives.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

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